

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES DISTRICT COURT,

Plaintiff,

v.

Case No. 03-CR-37

JAMES D. LUEDTKE,

Defendant.

**ORDER DENYING MOTIONS FOR APPOINTMENT OF COUNSEL,
RECUSAL, AND SENTENCE REDUCTION**

On September 3, 2003, a jury convicted James D. Luedtke of five counts arising out of an armed bank robbery: Count One – Bank Robbery by Force, Violence, and Intimidation, in violation of 18 U.S.C. §§ 2113(a) and (d); Count Two – Knowingly Brandishing a Firearm During and in Relation to a Crime of Violence, in violation of 18 U.S.C. § 924(c); Count Three – Possession of a firearm Transported in Interstate Commerce After Having Been Convicted of a Crime Punishable by Imprisonment for a Term Exceeding One Year, in violation of 18 U.S.C. § 922(g)(1); and Counts Four and Five – Aiding and Abetting the Making of False Statements in the Sale and Disposition of a Firearm, in violation of 18 U.S.C. § 922(a)(6) and (2). On January 14, 2004, Luedtke was sentenced to 300 months as to Count One, 84 months as to Count Two, and 60 months as to Counts Three and Five. The sentences in Counts Three and Five were concurrent with each other but consecutive to Counts One and Two, bringing Luedtke’s term of imprisonment to 444 months, or 37 years.

Luedtke appealed his conviction and sentence to the Seventh Circuit, which affirmed the Judgment of the court in an unpublished decision. Dkt. No. 21. He then filed several other motions

seeking other forms of relief—all of which were denied. Now before the court is Luedtke’s fourth motion for a sentence reduction under 18 U.S.C. § 3582(c). Accompanying his motion is a motion for recusal of myself as well as appointment of counsel. Luedtke’s motions will be denied.

Turning first to the motion for appointment of counsel, there is some dispute in the Seventh Circuit as to whether counsel can be appointed under 18 U.S.C. § 3006(A) for motions brought under § 3582. *See United States v Bonds*, 121 F.4th 1129, 1130 (7th Cir. 2024) (noting panel divided on whether the Criminal Justice Act, 18 U.S.C. § 3006A, authorized the appointment of counsel in § 3582(c) proceedings). Even if the court has such authority, however, this would not be an appropriate case in which to exercise it. Luedtke was convicted by a jury and appealed his conviction. He has filed numerous motions since then, and his most recent motion contains nothing but 93 pages of a diatribe against the American justice system and those involved in his criminal conviction. From the court’s review of the missive, which is actually the fourth motion for a sentence reduction, the court is satisfied that Luedtke is not entitled to the type of relief claimed.


As to the motion for recusal, the court is satisfied that no ground exists for such relief. Luedtke’s argument for recusal is based simply on the fact that the decisions of the court have not benefited him or gone his way. The remedy for decisions that he believes are wrong is appeal—not recusal of the trial judge. This court has more familiarity with Mr. Luedtke’s history, in particular the crime for which he is currently serving a sentence, than any other judge. For this reason, it would be unreasonable to recuse myself simply because Mr. Luedtke is unhappy with the court’s decisions.

Finally, as to Mr. Luedtke’s motion for a sentence reduction, he cites no facts that would support a finding of the extraordinary and compelling circumstances necessary for relief under

§ 3582(c)(1), nor under (2) of that section. As stated in the past, the court is satisfied that the seriousness of the offence, the impact upon the victims, and Luedtke's conduct while in prison warrant the denial of his motion for a reduction. Under these circumstances, the motion, Dkt. No. 164, should be and hereby is, denied.

For all of the above reasons, Luedtke's Fourth Motion for a Sentence Reduction (Dkt. No. No. 164), Motion to Appoint Counsel (Dkt. No. 165), and Motion for Recusal (Dkt. No. 166) are denied.

SO ORDERED at Green Bay, Wisconsin this 30th day of April, 2025.



William C. Griesbach
United States District Judge